



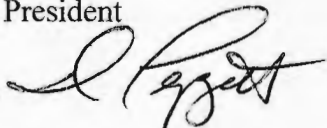
OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

Isiah Leggett  
County Executive

MEMORANDUM

May 7, 2012

TO: Roger Berliner, County Council President

FROM: Isiah Leggett, County Executive 

SUBJECT: Fire and Rescue Service – Emergency Medical Services – Reimbursement

In response to concerns expressed by members of our community regarding Expedited Bill 17-12, Fire and Rescue Service – Emergency Medical Services – Reimbursement, I am forwarding amendments which clarify the original intent of the bill, establish a Patient Advocate position in the Office of Consumer Protection, and add a monitoring and reporting requirement. I am enclosing a revised draft of the bill that includes each of my requested amendments, which are discussed in more detail below.

**Amendment 1: Insurance Reimbursement Program**

This amendment modifies the title of the bill to refer to “Fire and Rescue Service – Emergency Medical Services - Insurance Reimbursement” (page 1) and adds language referring to “Emergency Medical Services Insurance Reimbursement Program” (page 3, lines 26-27). Both of these amendments clarify that the bill’s primary purpose is to recover reimbursement from commercial insurers, Medicare, and Medicaid.

**Amendment 2: Fire and Rescue Personnel – No Insurance Inquiries**

This amendment prohibits Fire and Rescue personnel who respond to a request for emergency medical services transport from asking for any information relating to insurance coverage (page 2, lines 8-10).

**Amendment 3: County Residents – No Out-of-Pocket Expenses**

This amendment clarifies that County residents will pay no out-of-pocket expenses for an emergency medical services transport (page 3, lines 46-50).

#### **Amendment 4: Non-supplantation**

This amendment clarifies that the base year for the non-supplantation clause is FY2012 (page 4, line 67).

#### **Amendment 5: Reporting Requirement**

This amendment requires the Fire Chief to report on a semiannual basis to the County Executive and County Council regarding implementation of the bill (page 5, lines 82-90).

#### **Amendment 6: Patient Advocate**

This amendment requires that the Office of Consumer Protection employ a Patient Advocate to: (1) develop and implement a program for customer service as a part of the Program; (2) develop and staff a help desk for questions regarding the Program; and (3) serve as a liaison with any vendor retained by the County to implement the program to ensure high quality customer service and prompt resolution of questions and concerns (page 5, lines 91-99).

#### **Amendment 7: Outreach and Education**

This amendment requires the implementation of a public outreach and education campaign before and during implementation of the Program which includes:

- Informational mailers to County households;
- Distribution of information through County internet and web-based resources;
- Radio and television public service announcements;
- News releases and news events;
- Information translated into Spanish, French, Chinese, Korean, Vietnamese and other languages, as needed;
- Extensive use of County Cable Montgomery and other Public, Educational, and Government channels funded by the County;
- Posters and brochures made available at County events, on Ride One buses and through Regional Service Centers, libraries, recreation facilities, senior centers, Montgomery County Public Schools, Montgomery College, health care providers, hospitals, clinics, and other venues; and
- Special outreach to senior and “New American” communities (page 6, lines 100-118).

If you have any questions about any of these amendments, please contact Assistant Chief Administrative Officer Kathleen Boucher at 240-777-2593.

Roger Berliner, County Council President  
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cc: Joseph Beach, Director, Finance Department  
Kathleen Boucher, Assistant Chief Administrative Officer  
Richard Bowers, Fire Chief  
Jennifer Hughes, Director, Office of Management and Budget

COUNT EXECUTIVE'S AMENDMENTS

Concerning: Fire and Rescue Service –  
Emergency Medical Services –  
Insurance Reimbursement

Revised: 4/19/2012 Draft No. 1

Introduced: April 24, 2012

Expires: October 24, 2013

Enacted: \_\_\_\_\_

Executive: \_\_\_\_\_

Effective: \_\_\_\_\_

Sunset Date: None

Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

By: Council President at the request of the County Executive

**AN EXPEDITED ACT to:**

- (1) authorize the County to impose and collect a reimbursement to recover costs generated by providing emergency medical services transports;
- (2) provide for a schedule of emergency medical services transport reimbursement charges, waiver criteria, permitted uses of reimbursement revenues, and other procedures to operate the emergency medical services reimbursement program;
- (3) prohibit a Local Fire and Rescue Department from imposing a separate emergency medical services transport reimbursement;
- (4) require the Executive to issue certain regulations to implement an emergency medical services transport reimbursement program;
- (5) require a certain annual transfer be made as payment of residents' uninsured portion of the emergency medical services transport reimbursement; ~~[[and]]~~
- (6) provide that County residents will pay no out-of-pocket expenses for an emergency medical services transport;
- (7) prohibit Fire and Rescue personnel who respond to a request for an emergency medical services transport from asking for any information relating to the individual's insurance coverage;
- (8) establish a Patient Advocate in the Office of Consumer Protection;
- (9) require the Fire Chief to report on a semiannual basis to the County Executive and County Council regarding implementation of this Act;
- (10) require the implementation of a public outreach and education campaign;
- (11) provide that this program sunsets on December 30, 2015; and
- (12) generally amend County law regarding the provision of emergency medical services.

By adding

Montgomery County Code

Chapter 21, Fire and Rescue Service

Section 21-23A. Emergency Medical Services Reimbursement Program

**Boldface**

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

\* \* \*

*Heading or defined term.*

*Added to existing law by original bill.*

*Deleted from existing law by original bill.*

*Added by amendment.*

*Deleted from existing law or the bill by amendment.*

*Existing law unaffected by bill.*

*The County Council for Montgomery County, Maryland approves the following Act:*

1        **Sec. 1. Section 21-23A is added as follows:**

2        **21-23A.      Emergency Medical Services Transport Insurance Reimbursement**  
 3        **Program.**

4        (a)    Obligation to Transport.

5            (1)    The Fire and Rescue Service must provide emergency medical  
 6                    services transport under applicable medical protocols to each  
 7                    individual without regard to the individual's ability to pay.

8            (2)    Personnel of the Fire and Rescue Service who respond to a request for an  
 9                    emergency medical services transport must not ask for any information  
 10                  relating to the individual's insurance coverage.

11        (b)    Definitions. In this Section the following terms have the meanings  
 12                  indicated:

13            (1)    Emergency medical services transport means transportation by  
 14                    the Fire and Rescue Service of an individual by ambulance or  
 15                    other Fire and Rescue Service vehicle used for a similar purpose.  
 16                    Emergency medical services transport does not include  
 17                    transportation of an individual under an agreement between the  
 18                    County and a health care facility.

19            (2)    Federal poverty guidelines means the applicable health care  
 20                    poverty guidelines published in the Federal Register or otherwise  
 21                    issued by the federal Department of Health and Human Services.

22            (3)    Fire and Rescue Service means the Montgomery County Fire and  
 23                    Rescue Service and includes each local fire and rescue  
 24                    department.

(4) Program means the Emergency Medical Services Transport Insurance Reimbursement Program.

(c) Imposition of reimbursement. The County must impose a reimbursement charge for any emergency medical service transport provided in the County, and, unless prohibited by other law, outside the County under a mutual aid agreement.

(d) Liability for Reimbursement. Subject to paragraph (e), each individual who receives an emergency medical services transport is responsible for paying the emergency medical services transport reimbursement.

(e) Hardship Waiver.

(1) The Fire Chief must waive the emergency medical services transport reimbursement for any individual whose household income is at or below 300 percent of the federal poverty guidelines. An individual must request a waiver on a form approved by the Fire Chief.

(2) The Fire Chief may deny a request for a waiver if the individual who claims financial hardship under this Section does not furnish all information required by the Fire Chief.

(f) County Residents - Payment of ~~[[Residents']] Uninsured Portion of the Emergency Medical Services Transport Reimbursement.~~

(1) County residents will pay no out-of-pocket expenses relating to any emergency medical services transport because residents are deemed to have paid any co-pay, deductible, or uninsured portion of the cost of the emergency medical services transport through tax revenues paid to the County.

~~[[1]]~~ (2) Tax revenues the County receives must be treated as payment, on behalf of County residents, of the balance of each

53                    resident's portion of the emergency medical services transport  
 54                    reimbursement charge that is not covered by the resident's  
 55                    insurance.

56                    ~~[(2)]~~ (3) The County Council must annually transfer from the General  
 57                    Fund to the Consolidated Fire Tax District Fund an amount that  
 58                    the Council estimates will not be covered by residents' insurance  
 59                    as payment of all residents' uninsured portion of the emergency  
 60                    medical services transport reimbursement charge.

61                    (g) Restriction on Local Fire and Rescue Departments. A local fire and  
 62                    rescue department must not impose a separate charge for an emergency  
 63                    medical transport.

64                    (h) Use of Revenue. Except for the transfer received from the General Fund  
 65                    under subsection (f), the revenues collected from the emergency  
 66                    medical services transport reimbursement must be used to supplement,  
 67                    and must not supplant, [existing] Fiscal Year 2012 expenditures for  
 68                    emergency medical services and other related fire and rescue services  
 69                    provided by the Fire and Rescue Service.

70                    (i) Regulations; Reimbursement Schedule. The County Executive must  
 71                    adopt a regulation under method (2) to implement the emergency  
 72                    medical service transport reimbursement program. The regulation must  
 73                    establish a reimbursement schedule based on the cost of providing  
 74                    emergency medical services transport. The reimbursement schedule  
 75                    may include an annual automatic adjustment based on inflation, as  
 76                    measured by an index reasonably related to the cost of providing  
 77                    emergency medical services transports. The regulation may require  
 78                    each individual who receives an emergency medical services transport

to provide financial information, including the individual's insurance coverage, and to assign insurance benefits to the County.

(i) Reporting.

The Fire Chief must submit a report to the County Executive and County Council on January 1 and July 1 of each calendar year regarding implementation of the Program. The report should include:

(1) the number of 911 calls for emergency medical services during the reporting period;

(2) the number and type of emergency medical services provided during the reporting period; and

(3) any other information relating to implementation of the Program that is requested by the County Executive or County Council.

(k) Patient Advocate.

The Office of Consumer Protection must employ a Patient Advocate to:

(1) Develop and implement a program for customer service as a part of the Program;

(2) Develop and staff a help desk for questions regarding the Program; and

(3) Serve as a liaison with any vendor retained by the County to implement the program to ensure high quality customer service and prompt resolution of questions and concerns.



(1) Outreach and Education Campaign.

The County Executive must implement a public outreach and education campaign before and during implementation of the Program which should include:

(1) Informational mailers to County households;

(2) Distribution of information through County internet and web-based resources;

(3) Radio and television public service announcements;

(4) News releases and news events;

(5) Information translated into Spanish, French, Chinese, Korean, Vietnamese and other languages, as needed;

(6) Extensive use of County Cable Montgomery and other Public, Educational, and Government channels funded by the County;

(7) Posters and brochures made available at County events, on Ride One buses and through Regional Service Centers, libraries, recreation facilities, senior centers, Montgomery County Public Schools, Montgomery College, health care providers, hospitals, clinics, and other venues; and

(8) Special outreach to senior and “New American” communities.

**Sec. 2. Expedited Effective Date.**

The Council declares that this legislation is necessary for the immediate protection of the public interest. This Act takes effect on January 1, 2013.

**Sec. 3. Implementation.**

The emergency medical services transport reimbursement authorized by County Code Section 21-23A, enacted by Section 1 of this Act, may be collected for any emergency medical services transport that occurs on or after July 1, 2012. Collection may occur retroactively to that date during the first fiscal year the emergency medical services transport fee is implemented.

*Approved:*

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Roger Berliner, President, County Council

Date

*Approved:*

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Isiah Leggett, County Executive

Date

*This is a correct copy of Council action.*

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Linda M. Lauer, Clerk of the Council

Date